

# **EXHIBIT A**

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**VIA ELECTRONIC MAIL**

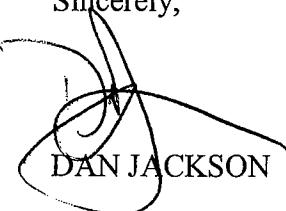
Alan P. Block, Esq.  
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Re: *In re Acacia Media Technologies Corp.*,  
Case No. C 05-1114 (MDL 1665)

Dear Alan:

In light of Judge Ware's December 7, 2005 order and the applicable case law, it is clear that all of the claims of the '702 patent are invalid for indefiniteness. *See, e.g., Datamize, LLC v. Plumtree Software, Inc.*, 417 F.3d 1342, 1347 (Fed. Cir. 2005) (because independent claim was invalid for indefiniteness, dependent claims were invalid as well). Moreover, given Judge Ware's July 12, 2004 order—and Acacia's own concession that "identification encoding means" is indefinite—it is also clear that claims 10-13 of the '863 patent are invalid for indefiniteness. Accordingly, I write to inquire whether Acacia will stipulate to the invalidity of the aforementioned claims. I look forward to your response.

Sincerely,



DAN JACKSON

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cc: All Counsel of Record